IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE
WRIT PETITION NO. 6529 OF 2005

Shri. Shripati Bhiva Kamble ... Petitioner

Versus

State of Maharashtra and Ors. ... Respondents

Mr. A.V. Anturkar i/by Mr. Sugandh B. Deshmukh
for Petitioner.

Mr. C.R. Sonawane, A.G.P. for Respondents.

CORAM : F.I. REBELLO &
DR. D.Y. CHANDRACHUD,JJ.
DATED : 30TH SEPTEMBER, 2005

P.C.

. The Petitioner has approached this court seeking relief that he is entitled to continue in service till he reaches the age of 60 years. The Petitioner is holding the post under Respondent No. 1 being Principal of the college. It appears that the Division Bench of this court in Association of Mahashtra Education Service Class II Officers and Ors. Versus Vs. State of Maharashtra and Others 1990 Mh L.J. 161 had taken a view that the age of superannuation for teachers in Government colleges would be 60 years. That judgement was delivered some time on 24.7.1989 by the Division Bench of this Court at Nagpur. The Apex Court thereafter in T.P.George and Ors. Versus State of Kerala and Ors. 1992 Supp. (3) S.C.C. 191 considering the scheme of fixing 60 years, took a view that it is

voluntary in nature and that it is for the State Government to decide as to whether to accept it or not. In other words, it was within the discretion of the State Government. The Apex Court therefore, did not interfere in the appeal preferred by the teachers against the judgment of the Division Bench of Kerala High Court.

. The State Government from the judgment of the Division Bench in the decision of Association of Maharashtra Education Service Class II Officers and Ors. (supra) preferred an appeal to the Apex Court being Civil Appeal No. 10994 of 1996. The Apex Court relying on the judgment of T.P. George and others (supra) set aside the order of the Division Bench. The consequences are that U.G.C. recommendations on retirement have to be held as directory and State Government and University concerned has fixed the age of retirement as 58 years in Government colleges. Considering the above, this will not be a fit case for exercise of extra ordinary jurisdiction. Hence, petition rejected.

(F.I. REBELLO,J.)

(DR. D.Y. CHANDRACHUD,J.)

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